

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

FILED BY mc D.C.  
2002 NOV 12 PM 3:28  
CLERK U.S. DIST. CT.  
S.D. OF FLA - FTL

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CASE NO.: 00-6309-CR-DIMITROULEAS

MARK WEISS,

Magistrate Judge Garber

Defendant.

**DEFENDANT'S MOTION FOR PERMISSION TO TRAVEL**

COMES NOW the Defendant MARK WEISS by and through his undersigned counsel and moves this Court for the entry of an order temporarily modifying his bond reporting conditions so as to allow him to travel on a brief two-day visit with his ailing father and as grounds therefore would state as follows:

1. That on or about October 26, 2000 the defendant along with numerous other individuals was arrested as a result of a federal grand jury in this case returning an indictment at Ft. Lauderdale.

2. That as a result of an agreement with the Government also on October 26, 2000, the defendant was released on a \$100,000 personal surety bond. The agreement was ratified by the Court per U.S. Magistrate Judge Barry S. Seltzer in Ft. Lauderdale.

3. One of the conditions of the Defendant's bond that was imposed by Magistrate Judge Seltzer was that the Defendant's travel is restricted to the Southern District of Florida.

4. On July 24, 2002, this Court sentenced the defendant to four (4) months of

1189  
29

house arrest as a special condition of the defendant's probationary sentence. The defendant commenced his home confinement on August 7, 2002 and is due to have that condition satisfied on December 7, 2002.

5. The Defendant wants to travel via automobile from Friday, November 15, 2002 through and including Sunday, November 17, 2002 to the Largo, Florida for two days to visit his father. The defendant has not seen his father since an earlier travel request in February 2002.

6. While in Largo, Florida the Defendant will be staying with his parents whose residence is located at 8904 Bardmoor Boulevard in Largo and he may be reached at (727) 399-9571.

7. The defendant's father is unable to travel and in failing health. He receives dialysis three (3) times per week and is currently on a kidney transplant list.

8. During the Defendant's pretrial release period of twenty-one months he did not violate any of this Court's bond conditions. In addition, he has not violated any conditions of his probationary sentence.

9. On November 8, 2002, the undersigned spoke with Mr. Francisco Padron at United States Probation Office in Miami regarding his position on this matter and Mr. Padron objects to the granting of this motion.

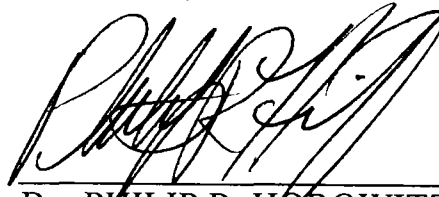
10. Pursuant to Local Rule 88.9 the undersigned spoke with Assistant United States Attorney Brian McCormick also on November 8, 2002 regarding his position on this motion and after advising him of the probation officer's objection, he informed the undersigned that the Government has no objection to the travel request.

WHEREFORE, the Defendant MARK WEISS respectfully requests that this Court enter allowing him to travel to Largo, Florida to visit his ailing father,

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this 8<sup>th</sup> day of November 2002 to: J. Brian McCormick, ESQUIRE, Assistant United States Attorney, 500 East Broward Boulevard, Suite #700, Ft. Lauderdale, Florida 33301 and to MR. FRANCISCO PADRON, United States Probation Officer, 10300 Sunset Drive, Suite #351, Miami, Florida 33173.

Respectfully submitted,

LAW OFFICES OF PHILIP R. HOROWITZ  
Attorney for Defendant WEISS  
Suite #1910 - Two Datan Center  
9130 South Dadeland Boulevard  
Miami, Florida 33156  
Tel.: (305) 232-1949  
Fax. : (305) 232-1963

A handwritten signature in black ink, appearing to read 'Philip R. Horowitz', is written over a horizontal line.

By: PHILIP R. HOROWITZ, ESQUIRE  
Florida Bar No.: 466557